

Total number of printed pages-7

19 (3-II) FMLW-II

2016

**FAMILY LAW-II**

Paper : 2-2

Full Marks : 80

Time : Three hours

***The figures in the margin indicate full marks for the questions.***

1. Choose the correct option : 1×10=10

(i) The Muslim Personal Law (Shariat) Application Act, 1937 is prospective/retrospective in its application.

(ii) The word "personal law" is used in contradiction to/to agree with "territorial law".

Contd.

- (iii) As interpreted by the Supreme Court of India, pre-emption on the ground of vicinage is constitutional/unconstitutional.
- (iv) The rules of Islamic law of succession and inheritance are to be found in the Holy Quran/legislations.
- (v) In the eye of law, a will is technically called a disposition inter vivos/testamentary disposition.
- (vi) The property proposed to be disposed of by waqf must be tangible/intangible property.
- (vii) On the basis of the decided cases, a grant to an Idgah has been declared to be valid/invalid object of waqf.
- (viii) The requirement of registration is mandatory/optional in respect of a gift of immovable property.

- (ix) As interpreted by the Apex Court in the Shahbanoo's case, the mandates of Section 125 of the Code of Criminal Procedure, 1973 are applicable/inapplicable to Muslim divorced wives.
- (x) In the absence of legal guardian, the duty of appointing a guardian for the protection and preservation of the minor's property fall in the Waqf Board/Court.

2. Write short notes on : 2×5=10

- (i) Legal incidents of waqf
- (ii) Essentials of valid muslim marriage
- (iii) Judicial divorce in Muslim law
- (iv) Hiba-bil-Iwaj and Hiba-ba-Shart-ul-Iwaj
- (v) Doctrine of consent.

3. Is Muslim Personal Law (Shariat) an integral part of the Indian Legal System?

Discuss the extent of application of Muslim Personal Law in India in the light of mandates of Section 2 of the Muslim Personal (Shariat) Application Act, 1937.

2+10=12

Or

Is "Judicial precedent" a source of Islamic Law and Jurisprudence in India?

Discuss with the help of judicial pronouncements of the Supreme Court of India in the landmark Shahbanoo's case as to how did the judicial precedents of the Apex Court modify the strict application of the orthodox Muslim Law of Maintenance in respect of a divorced wife in this country.

2+10=12

4. What are the different schools of Muslim Law? How did they separate from each other?

Write a detail account on the orthodox schools of Islamic Law and Jurisprudence.

4+4+4=12

Or

Discuss the salient features of the Muslim Law of marriage.

5. What are the extrajudicial forms of divorce in Muslim Personal Law?

How do they differ from the intervention of the courts in respect of divorce petitions filed by wives u/s 2 of the Dissolution of Muslim Marriage Act, 1939?

Discuss, briefly, the grounds of divorce as provided under this Act.

4+2+6=12

Or

Define the term 'dower'. Is it a consideration or an obligation? Give your own views with the help of decided cases.

6. How did the Hanafi School of Islamic Jurisprudence define the term 'waqf'?

Write a brief account on the provisions of Muslim Personal Law with regard to how waqf can be created.

4+8=12

Or

Define the terms "guardian" and "minor". Does the "law of puberty" govern the Muslims, in India, in respect of the issues relating to guardianship?

Discuss the different categories of guardianship as recognised in Muslim Personal Law with special reference to "Guardianship in Marriage".

2+2+2+6=12

7. What is Uniform Civil Code? Is there any specific provision for it under the Constitution of India?

What are the major hindrances on the path of implementation for achieving the goals of Uniform Civil Code? Discuss.

4+2+6=12

Or

Do the provisions of the Indian Succession Act, 1925 apply to Muslims in India?

What is the existing law, in this regard, for a Muslim whose marriage was registered under the Special Marriage Act, 1954? Discuss the conditions for registration of muslim marriages under the Act of 1954.

2+2+8=12